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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,156	05/24/1999	CHING YU	50100-802	8724
20277	7590	12/29/2004	EXAMINER	
MCDERMOTT WILL & EMERY LLP			HOM, SHICK C	
600 13TH STREET, N.W.			ART UNIT	
WASHINGTON, DC 20005-3096			PAPER NUMBER	
			2666	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/317,156

Applicant(s)

YU ET AL.

Examiner

Shick C Hom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,14,15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,7-10,14,15,19,20,22 and 25 is/are allowed.
- 6) ☒ Claim(s) 1,6,17 and 21 is/are rejected.
- 7) ☒ Claim(s) 11, 18, 23-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/30/04 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 11, 18, and 23-24 are objected to because of the following informalities: In claim 11, delete lines 7-8 because it appears to be a typo and is a duplicate of lines 5-6. Claim 18 is objected to because it does not depend from a preceding claim, but rather from claim 19. In claim 1 line 10, the words

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"a plurality" seem to refer back to the "plurality" recited in claim 1 line 7. If this is true, it is suggested changing "a plurality" to ---the plurality---. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 lines 8-9 which recite "the respective programmable information entries" lacks clear antecedent basis because no respective programmable information entries have been previously recited in the claim and therefore the limitation is not clearly understood; further it is not clear as to whether it is reciting ---the plurality of programmable information entries--- as in claim 1 line 7.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lincoln (6,005,866) in view of Muller et al. (6,246,680).

Regarding claims 1 and 17:

Lincoln discloses the interface configured for transferring the data packets, the interface including a scheduler for selectively assigning memory access slots to ports, wherein selectively assigning memory access slots by the scheduler is

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based on respective a selected one of a plurality of programmable information entries, the interface includes an assignment table memory for storing the respective programmable information entries (see col. 2 lines 66 to col. 3 line 9 and col. 6 lines 27-39 which recite the scheduler accessing the dynamic schedule table which includes slot locations indicating the constant bit rate mode traffic and variable bit rate mode traffic connections), and the selected one of a plurality of programmable information entries is stored in the assignment table memory by an external controller (see col. 6 line 55 to col. 7 line 20 which recite the ABR manager adjusting the rate for a connection by writing new parameter in memory to adjust the rate).

For claims 1 and 17, Lincoln discloses all the subject matter of the claimed invention with the exception of that the transferring the data packets is between a network switch and an external memory as recited in claims 1 and 17.

Muller et al. from the same or similar fields of endeavor teach that it is known to provide a network switch having an external memory interface for transferring data packets between the network switch and an external memory (see Fig. 2 and col. 4 lines 5-60 which recite the network switch and interface to the external memory). Thus, it would have been obvious to the

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person having ordinary skill in the art at the time the invention was made to provide a network switch having an external memory interface for transferring data packets between the network switch and an external memory as taught by Muller et al. in the system of Lincoln. The network switch having an external memory interface for transferring data packets between the network switch and an external memory can be implemented by connecting the network switch and external memory of Muller et al. to the interface including the scheduler and table of Lincoln. The motivation for connecting the network switch having an external memory interface for transferring data packets between the network switch and an external memory as taught by Muller et al. to the interface for transferring data packets of Lincoln being that it provides a system in which the interface for transferring data packets can function as designed.

Allowable Subject Matter

8. Claims 4-5, 7-10, 14-15, 19, 20, 22, and 25 are allowed.

9. Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in

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this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claim 21 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

11. Claims 11, 18 and 23-24 would be allowable if rewritten to overcome the objection(s) set forth in this Office action.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lincoln (5,889,779) disclose a scheduler utilizing dynamic schedule table.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH



FRANK DUONG
PRIMARY EXAMINER